

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-30 are currently pending in the application, Claims 27-28 having been withdrawn from consideration. Claims 1-19, 25-26 and 29-30 are amended by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings.<sup>1</sup> No new matter is presented.

In the Office Action, Claims 29 and 30 are rejected to under 35 U.S.C. § 101; Claims 6, 16, 29 and 30 are rejected under 35 U.S.C. § 112, second paragraph; independent Claims 1, 25 and 29 are rejected under 35 U.S.C. § 103(a) as unpatentable over Gerszberg et al. (U.S. Pat. 6,178,446, herein Gerszberg) in view of Paul et al. (U.S. Pub. 203/0172108, herein Paul) and Garcia et al. (U.S. Patent No. 5,510,832, hereinafter Garcia); independent Claims 10, 26 and 30 are rejected under 35 U.S.C. § 103(a) as unpatentable over Gerszberg in view of Paul; and dependent Claims 2-9 and 11-24 are rejected under 35 U.S.C. § 103(a) as unpatentable over Gerszberg in view of Paul and Garcia in combination with one or more of Maritzen et al. (U.S. Pub. 2002/0026419, herein Maritzen), Leonard et al. (U.S. Pub. 2002/046109, herein Leonard), Giuliani et al. (U.S. Pat. 5,974,399, herein Giuliani), Pocock et al. (U.S. Pat. 5,014,125, herein Pocock), Holman et al. (U.S. Pat. 5,287,181, herein Holman), Von Kohorn et al. (U.S. Pat. 5,128,752, herein Von Kohorn), and Maeda et al. (U.S. Pub. 2003/0003431, herein Maeda).

Claims 29 and 30 are rejected to under 35 U.S.C. § 101, as directed to non-statutory subject matter as defining “a program embodying functional descriptive material.” In response, Claims 29 and 30 are amended to recite “A computer-readable recording medium

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<sup>1</sup> The claims are amended throughout to remove “means for” terminology to avoid interpretation under 35 U.S.C. § 112, sixth paragraph. Support for amended independent Claims 1, 10, 25, 26, 29 and 30 can be found at least at Figs. 7-12 and their corresponding description in the specification.

including computer program instructions, which when executed by a computer, cause the computer to perform a method comprising..." Therefore, Claims 29 and 30 recite functional descriptive material "recorded on some computer-readable medium" as recommended in the Office Action.

Accordingly, Applicants respectfully request that the rejection of Claims 29 and 30 under 35 U.S.C. § 101 be withdrawn.

The Office Action rejects Claims 6, 16, 29 and 30 under 35 U.S.C. § 112, second paragraph, as indefinite.

Regarding Claims 6 and 16, these claims are amended to be consistent with the interpretation outlined at p. 4 of the Office Action. More particularly, Claim 6, for example, is amended to recite that in response to an instruction to purchase the arbitrary content, the transmitter is configured to transmit "the identification code indicative of a right to receive a particular service together with purchase request information requesting purchase of the arbitrary content." Thus clarifying that the transmitted code is the "the identification code indicative of a right to receive a particular service" recited in independent Claim 1. Claim 16 is similarly amended.

Regarding Claims 29 and 30, the Office Action rejected these claims because "a program cannot comprise structural elements such as a transmission means and reception means." In response, the features of Claims 29 and 30 are amended to recite functional limitations so as to be consistent with the amendments to the preambles of Claims 29 and 30, noted above.

Accordingly, Applicants respectfully request that the rejection of Claims 6, 16, 29 and 30 under 35 U.S.C. § 112, second paragraph, be withdrawn.

The Office Action rejected Claims 1, 25 and 29 under 35 U.S.C. § 103(a) as unpatentable over Gerszberg in view of Paul and Garcia, and independent Claims 10, 26 and

30 under 35 U.S.C. § 103(a) as unpatentable over Gerszberg in view of Paul. Applicants respectfully traverse these rejections, as independent Claims 1, 10, 25, 26, 29 and 30 recite novel features clearly not taught or rendered obvious by the applied references.

Amended independent Claim 1, for example, recites an information processing apparatus comprising:

a transmitter configured to transmit request information continuously at a particular interval, the request information requesting related information related to a content in a broadcast program being received;

a receiver configured to receive the related information corresponding to the request information, and an identification code indicative of a right to receive a particular service upon purchase of a content as a response to the transmitted request, wherein ***the particular service is related to the broadcast program being received...***

Independent Claims 10, 25, 26, 29 and 30, while directed to alternative embodiments, are amended to recite similar features regarding the particular service being related to the broadcast program being received. Accordingly, the remarks and arguments presented below are applicable to each of amended independent Claims 1, 10, 25, 26, 29 and 30.

In rejecting the claimed features directed to “receiv[ing] ... an identification code indicative of a right to receive a particular service upon purchase of a content” the Office Action relies on Gerszberg. Gerszberg describes a method and system for supporting interactive commercials displayed on a display device using a telephone network.

Gerszberg, however, fails to teach or suggest “receiv[ing] ... an identification code indicative of a right to receive a particular service upon purchase of a content as a response to the transmitted request, wherein ***the particular service is related to the broadcast program being received,***” as recited in amended independent Claim 1.

More particularly, in rejecting the above noted features recited in Claim 1, the Office Action relies on col. 9, ll. 35-58 of Gerszberg. This cited portion of Gerszberg describes that when a match is found corresponding to a request received from a subscriber related to a commercial, the communication server determines the action requested by the subscriber by

analyzing the message type information contained in the subscriber request. For example, the subscriber can request more information on the product or the subscriber can indicate a desire to purchase the product. If it is determined that more information has been requested, the additional information is sent to the subscriber unit and displayed. The additional information can also include coupons which can be either printed by a printer attached to the display means or stored on a smart card by swiping the smart card through a smart card slot located on the display means.

Therefore, as characterized at p. 5 of the Office Action Gerszberg merely describes that additional information, such as coupons may be sent to the subscriber based on a received request. Amended independent Claim 1, on the other hand, requires that the subscriber “receive ... an identification code indicative of a right to receive a particular service upon purchase of a content as a response to the transmitted request, wherein ***the particular service is related to the broadcast program being received.***” One of the advantages of the claimed configuration is that the service relative to the broadcast program can be changed at any time. Therefore, a user can receive an appropriate service relative to the broadcast program after the user makes a purchase. Gerszberg fails to teach or suggest such a configuration.

Further, Paul and Garcia are relied upon only to reject features directed to transmitting request information at a particular interval and storing and displaying the related information, and fail to remedy the above noted deficiencies of Gerszberg.

Therefore, Gerszberg, Paul and Garcia, neither alone, nor in combination, teach or suggest “receiv[ing] ... an identification code indicative of a right to receive a particular service upon purchase of a content as a response to the transmitted request, wherein ***the particular service is related to the broadcast program being received,***” as recited in amended independent Claim 1.

Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of Claim 1 under 35 U.S.C. § 103 be withdrawn. For substantially similar reasons it is also submitted that independent Claims 10, 25, 26, 29 and 30 patentably define over Gerszberg, Paul and Garcia.

Regarding the rejection of Claims 2-9 and 11-24 under 35 U.S.C. § 103(a) as unpatentable over Gerszberg in view of Paul and Garcia in combination with one of Maritzen, Leonard, Giuliani, Pocock, Holman, Von Kohorn, and Maeda, Applicants note that Claims 2-9 and 11-24 ultimately depend from independent Claims 1 and 10, and are believed to be patentable for at least the reasons discussed above. Further, Applicants respectfully submit that none of the applied tertiary references cure the above noted deficiencies of Gerszberg, Paul and Garcia.

Accordingly, Applicants respectfully request that the rejection of Claims 2-9 and 11-24 under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-30 is definite and patentably distinguishing over the applied references. The present application is therefore believed to be in condition for allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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